



Lincoln County  
WATER CONSERVANCY BOARD  
Application for Change/Transfer  
Record of Decision

For Ecology Use Only	
Received:	<b>JUN 10 2013</b> Date Stamp
DEPARTMENT OF ECOLOGY EASTERN REGIONAL OFFICE	
Reviewed by:	_____
Date Reviewed:	_____

Applicant: Teel Land LLC

Application Number: LINC-12-01

This record of decision was made by a majority of the board at an open public meeting of the (Board Name) Water Conservancy Board held on (date meeting was held). The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

☒ **Approval:** The (board name) Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on (date report of exam was signed) and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.

Signed:

\_\_\_\_\_  
(Name), Chair  
(Board Name) Water Conservancy Board

Date: \_\_\_\_\_

Approve ☐  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

Rex Hardin board member

\_\_\_\_\_  
(Name), (Title)  
(Board Name) Water Conservancy Board

Date: JUN 10 2013

Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

[Signature] board member

\_\_\_\_\_  
(Name), (Title)  
(Board Name) Water Conservancy Board

Date: 6/10/13

Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

[Signature]

\_\_\_\_\_  
(Name), (Title)  
(Board Name) Water Conservancy Board

Date: 6-10-13

Approve ☒  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

\_\_\_\_\_  
(Name), (Title)  
(Board Name) Water Conservancy Board

Date: \_\_\_\_\_

Approve ☐  
Deny ☐  
Abstain ☐  
Recuse ☐  
Other ☐

Mailed with all related documents to the Dept of Ecology (regional office name) Regional Office, and other interested parties on (date mailed).

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer





(Board Name)  
**WATER CONSERVANCY BOARD**  
**Application for Change/Transfer**  
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF  
THE STATE OF WASHINGTON

RECEIVED

JUN 10 2013

DEPARTMENT OF ECOLOGY  
EASTERN REGIONAL OFFICE

**Report of Examination**

**NOTE TO APPLICANT:** Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

**NOTE TO AUTHOR:** Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.



Surface Water



Ground Water

DATE APPLICATION RECEIVED August 13, 2012	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) S3-23652(A)	WATER RIGHT PRIORITY DATE July 15, 1974	BOARD-ASSIGNED CHANGE APPLICATION NUMBER LINC-12-01
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NAME  
TEEL LAND, LLC (Applicant Change)

ADDRESS (STREET) (CITY) (STATE) (ZIP CODE)  
32196 Teel Hill RD N Davenport WA 99122

**Changes Proposed:** ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal  
☐ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

**SEPA**

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

**BACKGROUND AND DECISION SUMMARY**

**Existing Right (Tentative Determination)**

MAXIMUM CUB FT/ SECOND 0.55	MAXIMUM GAL/MINUTE ---	MAXIMUM ACRE-FT/YR 36	TYPE OF USE, PERIOD OF USE Irrigation of 30.2 acres, from April to Oct 31				
SOURCE Spokane River			TRIBUTARY OF (IF SURFACE WATER) Franklin D. Roosevelt Lake (Columbia River)				
AT A POINT LOCATED: PARCEL NO. 2300 feet east from the center of Sec 15	¼ SE	¼ NE	SECTION 15	TOWNSHIP N. 27 N	RANGE 37E	WRIA 54	COUNTY. Lincoln
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED 30.2 acres within that part of the NW ¼ of Section 15, lying north of a straight line, beginning in the SE corner of the NW ¼ and ending at a point on the west boundary line of the NW ¼ which is 704 feet south of the NW corner of said Section 15, Township 27 N., Range 37 E.W.M.. Parcel #2737015200000							
PARCEL NO. 2737015200000	¼ ---	¼ NW	SECTION 15	TOWNSHIP N. 27 N	RANGE, 37E		

**Proposed Use**

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE (A) ? (B) ? (C) ?	MAXIMUM ACRE-FT/YR 12 12 12	TYPE OF USE, PERIOD OF USE Community Domestic; Continuous Community Domestic; Continuous Community Domestic; Continuous				
SOURCE 4 Wells (3 Class B water systems)			TRIBUTARY OF (IF SURFACE WATER) ---				
AT A POINT LOCATED:	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
(A) Well #1 (12 Lot Subdivision) Ptn		NW	15	27 N	37E	54	Lincoln
(A) Well #2 (12 Lot Subdivision) Ptn		NW	15	27 N	37E	54	Lincoln
(B) Well #3 (9 Lot Subdivision) Ptn	E ½	SE	9	27 N	37E	54	Lincoln
(C) Well #4 (7 Lot Subdivision) Ptn	E ½	NE	9	27 N	37E	54	Lincoln



LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

(A) Well #1 and Well #2 to service a 12 Lot subdivision described as follows:

That portion of the East half of the Northwest Quarter together with that portion of the East 264.00 feet of the West half of the Northwest Quarter, all in Section 15, Township 27 North, Range 37 East, Willamette Meridian, Lincoln County, Washington, lying within the following description:

Commencing at the Southeast Corner of the Northwest Quarter of said Section 15, from which the Southwest Corner of said Northwest Quarter, being a 2 inch diameter iron pipe, bears South 86°55'36" West, a distance of 2711.38 feet; Thence North 1°59'33" West on the East line of said Northwest Quarter, a distance of 312.43' feet to the TRUE POINT OF BEGINNING: Thence North 70°16'24" West, a distance of 1738.33 feet to the West line of the East 264.00 feet of the West half of said Northwest Quarter; Thence North 1°43'41" West on said West line, a distance of 1686.96 feet to the North line of said Northwest Quarter; Thence North 89°14'55" East on said North line, a distance of 1607.52 feet to the Northeast Corner of said Northwest Quarter, being a United States Bureau of Reclamation Brass Cap Monument; Thence South 1°59'33" East on said east line of said Northwest Quarter a distance of 2295.40 feet to the TRUE POINT OF BEGINNING, EXCEPT any portion lying North of the Southerly Right of Way of Orchard Road, Comprising approximately 69.88 acres, more or less.

Records of Lincoln County, Washington.

(B) Well #3 to service an 9 Lot subdivision described as follows:

All of the East Half (E½) of the Southeast Quarter of Section 9, Township 27 North, Range 37 East, Wilamette Meridian, Lincoln County, Washington, Excepting that portion thereof lying and being south of County Road No. 6703 as the same is now established, Together with all rights and benefits which may belong to Grantor by virtue of the joint use Easement dated May 24, 1968, and recorded July 25, 1968, in Book 112 of Deeds, Page 898 under Auditor's File No. 316416.

Records of Lincoln County, Washington.

(C) Well #4 to service a 7 Lot subdivision described as follows:

All of the East Half (E½) of the Northeast Quarter of Section 9, Township 27 North, Range 37 East, Wilamette Meridian, Lincoln County, Washington, together with all rights and benefits which may belong to Grantor by virtue of the joint use Easement dated May 24, 1968, and recorded July 25, 1968, in Book 112 of Deeds, Page 898 under Auditor's File No. 316416.

Records of Lincoln County, Washington.

PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,
(A) Ptn		NW	15	27 N	37E
(A) Ptn		NW	15	27 N	37E
(B) Ptn	E ½	SE	9	27 N	37E
(C) Ptn	E ½	NE	9	27N	37E



Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	(A) ?	12.0	Community Domestic; Continuous				
	(B) ?	12.0	Community Domestic; Continuous				
	(C) ?	12.0	Community Domestic; Continuous				
SOURCE	4 Wells (3 Class B water systems)		TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED:			N/A				
(A) Well #1 (12 Lot Subdivision) Ptn	<del>1/4</del>	1/4 NW	SECTION 15	TOWNSHIP N. 27 N	RANGE 37E	WRIA 54	COUNTY. Lincoln
(A) Well #2 (12 Lot Subdivision) Ptn		1/4 NW	15	27 N	37E	54	Lincoln
(B) Well #3 (9 Lot Subdivision) Ptn	E 1/2	SE	9	27 N	37E	54	Lincoln
(C) Well #4 (7 Lot Subdivision) Ptn	E 1/2	NE	9	27 N	37E	54	Lincoln

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD

(A) Well #1 and Well #2 to service a 12 Lot subdivision described as follows:

That portion of the East half of the Northwest Quarter together with that portion of the East 264.00 feet of the West half of the Northwest Quarter, all in Section 15, Township 27 North, Range 37 East, Willamette Meridian, Lincoln County, Washington, lying within the following description:

Commencing at the Southeast Corner of the Northwest Quarter of said Section 15, from which the Southwest Corner of said Northwest Quarter, being a 2 inch diameter iron pipe, bears South 86°55'36" West, a distance of 2711.38 feet; Thence North 1°59'33" West on the East line of said Northwest Quarter, a distance of 312.43' feet to the TRUE POINT OF BEGINNING; Thence North 70°16'24" West, a distance of 1738.33 feet to the West line of the East 264.00 feet of the West half of said Northwest Quarter; Thence North 1°43'41" West on said West line, a distance of 1686.96 feet to the North line of said Northwest Quarter; Thence North 89°14'55" East on said North line, a distance of 1607.52 feet to the Northeast Corner of said Northwest Quarter, being a United States Bureau of Reclamation Brass Cap Monument; Thence South 1°59'33" East on said east line of said Northwest Quarter a distance of 2295.40 feet to the TRUE POINT OF BEGINNING, EXCEPT any portion lying North of the Southerly Right of Way of Orchard Road, Comprising approximately 69.88 acres, more or less.

Records of Lincoln County, Washington.

(B) Well #3 to service an 9 Lot subdivision described as follows:

All of the East Half (E1/2) of the Southeast Quarter of Section 9, Township 27 North, Range 37 East, Wilamette Meridian, Lincoln County, Washington, Excepting that portion thereof lying and being south of County Road No. 6703 as the same is now established, Together with all rights and benefits which may belong to Grantor by virtue of the joint use Easement dated May 24, 1968, and recorded July 25, 1968, in Book 112 of Deeds, Page 898 under Auditor's File No. 316416.

Records of Lincoln County, Washington.

(C) Well #4 to service a 7 Lot subdivision described as follows:

All of the East Half (E1/2) of the Northeast Quarter of Section 9, Township 27 North, Range 37 East, Wilamette Meridian, Lincoln County, Washington, together with all rights and benefits which may belong to Grantor by virtue of the joint use Easement dated May 24, 1968, and recorded July 25, 1968, in Book 112 of Deeds, Page 898 under Auditor's File No. 316416.

Records of Lincoln County, Washington.

PARCEL NO.	1/4	1/4	SECTION	TOWNSHIP N.	RANGE,
(A) Ptn		NW	15	27 N	37E
(A) Ptn		NW	15	27 N	37E
(B) Ptn	E 1/2	SE	9	27 N	37E
(C) Ptn	E 1/2	NE	9	27N	37E



DESCRIPTION OF PROPOSED WORKS

Develop three (3) Class B water systems as follows:

- (A) Class B water systems shall consist of two (2) wells, pumps, electrical panels, 2½" mainline, and tee connections to serve 12 hook ups.
- (B) Class B water system shall consist of one (1) well, pump, electrical panel, 2 ½ mainline, and tee connections to serve 9 hook ups.
- (C) Class B water system shall consist of one (1) well, pump, electrical panel, 2 ½ mainline, and tee connections to serve 7 hook ups.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:	COMPLETE PROJECT BY THIS DATE:	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE:
<At least 75 days after Board's ROD issuance>	(A) September 30, 2018	(A) September 30, 2036
	(B) September 30, 2018	(B) September 30, 2036
	(C) September 30, 2018	(C) September 30, 2036

REPORT

NOTE TO AUTHOR: This form reflects the minimum regulatory requirements as required in WAC 173-153-130(6). In accordance with WAC 173-153-130(5), "It is the responsibility of the water conservancy board to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." Completion solely of the minimum regulatory requirements may not constitute a fully documented decision.

BACKGROUND [See WAC 173-153-130(6)(a)]

On August 13, 2012 Teel Trust of Davenport, Washington filed an application with the Lincoln County Water Conservancy Board to change/add Purpose of Use, change/add Points of Diversion/Withdrawal, and change/transfer Place of Use under Superseding Water Certificate No. S3-23652(A). The application was accepted and the board assigned application number LINC-12-01.

On March 6, 2013 the Richard & Barbara Teel Living Trust dtd March 22, 2000 transferred it's interest in the subject real property, together with Superseding Water Certificate No. S3-23652(A) to Teel Land, LLC, a Limited Liability Company, by Statutory Warranty Deed recorded under Auditor's File No. 2013-0463280. Richard and Barbara Teel were the trustees of the Trust and are the Managers of the current owner Teel Land, LLC.

Superseding Certificate No. S3-23652(A) authorizes 0.55 cfs and 36 acre-feet per year for the irrigation of 30.2 acres within that part of the NW ¼ of Section 15, lying north of a straight line, beginning in the SE corner of the NW ¼ and ending at a point on the west boundary line of the NW ¼ which is 704 feet south of the NW corner of said Section 15, Township 27 N., Range 37 EWM. The Point of Diversion is a point on the Spokane River situated 2300 feet from the center of Section 15. Superseding Certificate No. S3-23652(A) was issued on February 16, 2012 following a change application and Report of Examination For Water Right Change dated December 19, 2011 (WRDoc 4481847). This Report of Examination details the water rights history and beneficial use and determined the quantities of Superseding Certificate No. S3-23652(A).

Superseding Certificate No. S3-23652(A) is currently enrolled in the Trust Water Program under control number CS3-\*23652(A)@1.

Intent of Transfer

The water right is currently an agricultural irrigation water right which withdraws water from the Spokane River. The applicant proposes to develop three subdivisions, each subdivision being served by a Class B water system. Therefore, the applicant proposes to change the source of the water from surface to ground water and change the purpose from irrigation to community domestic and to split this water right into an (A), (B), and (C) portion between the three new subdivisions in the following manner:

- ▶ For Portion (A) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new points of withdrawal will be two wells located in a portion of NW ¼ of Section 15. The new place of use will be located within a portion of the E ½ of the NW ¼ and a portion of the W ½ of the NW ¼ of Section 15, Township 27N, Range 37, and will serve a 12 Lot subdivision, more particularly described as (A) elsewhere in this Report.
- ▶ For Portion (B) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new point of withdrawal will be one well located in the E ½ of SE ¼ of Section 9. The new place of use will be located within a portion of the E ½ of SE¼ of Section 9, Township 27N, Range 37, and will serve a 9 Lot subdivision, more particularly described as (B) elsewhere in this Report.
- ▶ For Portion (C) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new point of withdrawal will be one well located in the E ½ of NE ¼ of Section 9. The new place of use will be located within in the E ½ of NE¼ of Section 9, Township 27N, Range 37, and will serve an 7 Lot subdivision, more particularly described as (C) elsewhere in this Report.



**Attributes of the water right as currently documented**

Name on certificate, claim, permit: Teel Trust, Richard C. and Barbara J. Teel

Water right document number: S3-23652(A)

As modified by certificate of change number: N/A

Priority date, first use: July 15, 1974

Water quantities: Qi: 0.55 cfs Qa: 36 acre ft./ year

Source: Spokane River

Point of diversion/withdrawal: 2300 feet east from the center of Section 15 (SE1/4 NE1/4 of Section 15, Twn 27N, Rng 37)

Purpose of use: Irrigation of 30.2 acres

Period of use: April to Oct 31

Place of use: 30.2 acres within that part of the NW ¼ of Section 15, lying north of a straight line, beginning in the SE corner of the NW ¼ and ending at a point on the west boundary line of the NW ¼ which is 704 feet south of the NW corner of said Section 15, Township 27 N., Range 37 E.W.M.. Parcel #2737015200000

Existing provisions:

**Measurements, Monitoring, Metering and Reporting**

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

**Department of Fish and Wildlife Requirement(s)**

The intake(s) must be screened in accordance with Department of Fish and Wildlife screening criteria (pursuant to RCW 77.57.010, RCW 77.57.070, and RCW 77.57.040). Contact the Department of Fish and Wildlife, 600 Capitol Way N, Olympia, WA 98501-1091. Attention: Habitat Program, Phone: (360) 902-2534 if you have questions about screening criteria.  
<http://wdfw.wa.gov/about/contact/>

**Easement and Right-of-Way**

The water source and/or water transmission facilities are not wholly located upon land owned by the applicant. Issuance of a water right change authorization by this department does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtaining such a right is a private matter between applicant and owner of that land.

**Water Use Efficiency**

Use of water under this authorization will be contingent upon the water right holder's maintenance of efficient water delivery systems and use of up-to-date water conservation practices consistent with established regulation requirements and facility capabilities.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**History of water use**

The Teels purchased the E½ of the E½ of Section 9 and the NW¼ of Section 15, all in Township 27 N, Range 37 E.W.M., together with other lands and the original water right S3-23652C in 1977 and have continued to farm and irrigate this property ever since the purchase. Prior to 2007, Mr. Teel grew alfalfa, grass seed, seed wheat, and seed peas. Crops such as malting barley, alfalfa seed and canola were tried. The irrigation system started with wheel lines and hand lines, but ended with pivots, small amounts of hand line and one short wheel line. The water was drawn from the Spokane River. A 50 hp pump on wheels moved up and down the bank to meet changing water levels of the backwaters of Grand Coulee Dam. This pump charges 150 hp and 125 hp pumps in the pump house. Water then flowed through oversize PVC pipe approximately 1 ½ miles. Pressure at the end of this line was 20#psi. The crops were irrigated with 4 center pivots using Nelson regulator rotators and 4ft drops for a low pressure system. Some hand line and one short wheel line were still in use. The history of the water use is laid out in more detail in the Report of Examination and Investigator's Report dated December 19, 2011.

**Previous changes**

1. On October 30, 2007, Richard and Barbara Teel (Teel Trust), Morris West and PPR River LLC, filed an application for change to add a purpose of use, add points of diversion/withdrawal, and change the place of use of Surface Water Certificate S3-23653.

Teel Trust proposed to transfer a portion of the water right to Morris West for irrigation and frost protection for an existing agricultural orchard in Okanogan County and transfer a portion of the water right to PPR River LLC for non-agricultural irrigation for a Master Planned Resort in Douglas County. Teel Trust would retain a portion of the water right for the original agricultural irrigation. Morris West sold and assigned his interest to Tailgate Orchards and PPR River LLC kept the purpose of use as agricultural irrigation. The change was approved to effect the following:



For Teel Trust in Lincoln County S3-23652(A)

- ▶ 0.55 cfs, 36 acre-feet per year for agricultural irrigation from April 1 to October 31 of 30.2 acres.

For Tailgate Orchards in Okanogan County S3-23652(C)

- ▶ 3.0 cfs, 197.95 acre-feet per year; 1.67 cfs, 157.25 acre-feet for agricultural irrigation from April 1 to October 31 of 37 acres and 1.33 cfs, 40.70 acre-feet from March 1 to May 31 for frost control.

For PPR River LLC in Douglas County S3-23652(D)

- ▶ 1.75 cfs, 111.65 acre-feet per year for agricultural irrigation from April 1 to October 31 of 50 acres.

2. Superseding Certificate No. S3-23652(A) was temporarily donated to the Trust Water Program under control number CS3- \*23652(A)@1 on May 23, 2012 and was extended on January 29, 2013 until February 16, 2014.

## **SEPA**

The board has reviewed the proposed project in its entirety. The Surface Water Certificate No. S3-23652(A) allowable flow rate of 0.55 cfs is below the 1 cubic feet per second exemption. This Application is **Exempt** from SEPA requirements.

## **COMMENT AND PROTESTS** [See WAC 173-153-130(6)(b)]

Public notice of the application was given in the WILBUR REGISTER on October 25, 2012 and November 1, 2012. Protest period ended on December 1, 2012. There were no protests received during the 30 day protest period. In addition, no oral and/or written comments were received at an open public meeting of the board or other means as designated by the board.

## **INVESTIGATION** [See WAC 173-153-130(6)(c)]

A site inspection was conducted on September 10, 2012 by Lincoln County Water Conservancy Board members, Scott Hutsell, Paul Gross, Pete Carstensen and Rex Harder, and applicant Dick Teel. At the existing place of use the Board observed both the existing surface and proposed ground points of diversion. The Board observed remnants of previously used irrigation equipment which included both circle irrigation, handlines and wheel lines and also noted the sandy nature of the soil. The Board reviewed maps outlining the previously irrigated land. The Board continued the site visit to the proposed places of use for the subdivisions and observed the wells, survey markers, partially developed roadways, etc. The Board reviewed maps outlining the proposed subdivisions. The Board found everything in both sites in order. Also, technical reports, research of department records, and conversations with the applicant and/or other interested parties were part of the investigation. Applicant's plan for subdividing his property in the manner set forth herein appears feasible and the location of the wells was observed along with the locations of the subdivisions themselves.

## ***Proposed project plans and specifications***

The application proposes to divide the water rights into Portions (A), (B) and (C) by changing the Place of Use to three (3) new proposed subdivisions and by changing the Purpose of Use to continuous Community Domestic, and changing the Point of Withdrawal/Diversion from surface water to ground water by adding four (4) wells within the proposed new Places of Use, all in the following manner:

- ▶ For Portion (A) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new points of withdrawal will be two wells located in a portion of NW ¼ of Section 15. The new place of use will be located within a portion of the E ½ of the NW ¼ and a portion of the W ½ of the NW ¼ of Section 15, Township 27N, Range 37, and will serve a 12 Lot subdivision, more particularly described as (A) elsewhere in this Report.
- ▶ For Portion (B) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new point of withdrawal will be one well located in the E ½ of SE ¼ of Section 9. The new place of use will be located within a portion of the E ½ of SE¼ of Section 9, Township 27N, Range 37, and will serve a 9 Lot subdivision, more particularly described as (B) elsewhere in this Report.
- ▶ For Portion (C) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new point of withdrawal will be one well located in the E ½ of NE ¼ of Section 9. The new place of use will be located within in the E ½ of NE¼ of Section 9, Township 27N, Range 37, and will serve an 7 Lot subdivision, more particularly described as (C) elsewhere in this Report.

## ***Other water rights appurtenant to the property (if applicable)***

No other water rights are appurtenant to the NW ¼ of Section 15, nor the E½ of the E½ of Section 9. The NW¼ of Section 15 is listed in the place of use of Surface Water Claim No. 134635. The claim appears to represent a non-diversionary open range stock watering right from Lake Roosevelt.

## ***Annual Consumptive Quantity***

In the last change that was approved by the Department of Ecology it was noted in the Report of Examination and Investigator's Report that "the WSIG establishes a standard irrigation season of April 1 to October 31. The applicant is



advised this quantity for water is not sufficient to provide a full water duty for crops at this site or provide for agricultural irrigation throughout the irrigation season.”

The water quantity of Certificate No. S3-23652(A) is completely consumptive and there is no return flow associated with this water right and as such no further ACQ analysis is required.

***Geologic, Hydrogeologic, or other scientific investigations (if applicable)***

For purposes of changing the point of diversion/withdrawal of surface water right No. S3-23652C(A) to a groundwater withdrawal for future residential development, WNR Group conducted a technical assessment of the Teel properties in Section 9, 10 and 15, Township 27 North, Range 37 East to determine the existence of hydraulic continuity between the groundwater being withdrawn from proposed well(s) located on the Teel's property and the surface water of the Spokane River, which is influenced by Grand Coulee Dam forming Lake Roosevelt. The Columbia River valley is the major physiographic feature in the area and is filled with glacio-fluvial sediments deposited during the last ice age approximately 12,000 years ago. As the glaciers melted in the Spokane River drainage, they deposited sequences of silt, sand, gravel and cobbles which were later re-worked by fluvial processes of the Spokane River. These sequences of unconsolidated materials are generally present as valley fill and along valley walls as terraces.

A detailed review of well logs was conducted in order to determine the groundwater conditions in the vicinity of the Teel's property. The twenty-two well logs reviewed in Sections 9, 10, and 15 appeared to have depths of groundwater documented by the well drillers to be at the approximate elevation as the lake levels in the Spokane River. With depths documented at 260 to 300 feet below the ground surface and yields documented on the well logs in the range of 15 to 30 gallons per minute, it appears the shallow groundwater is within an unconfined to semi-confined aquifer system, suggesting that the shallow groundwater is in hydraulic continuity with the surface water of the Spokane River. Four (4) wells currently used by the property owner and/or neighbors were inspected and well head elevations collected with a handheld GPS unit. Depth to ground water was measured in the wells for several weeks as the lake level fluctuated. The ground water in the aquifer beneath the site fluctuates with the lake level. The fall of the ground water table in July and August of 2007 was almost instantaneous with a drop in the lake/river level. This would suggest that the ground water beneath the proposed well sites is in hydraulic continuity with the Lake Roosevelt/Spokane River.

The WNR Group interpretation is based on readily available geologic and hydrogeologic reports, a detailed review of well logs and other data in the vicinity of the subject site. WNR Group also reviewed available US Geological Survey (USGS) topographic quadrangle maps for the site and vicinity.

Technical study conducted by WNR Group concludes that the wells in the proposed place of use are in hydraulic continuity with the Spokane River.

***Impairment Considerations***

Under Washington Water Law, a change can be made to a point of diversion/withdrawal for a water right as long as other existing water rights are not impaired.

The Department of Ecology water rights tracking system shows the existence of four wells in W ½ W ½ of Section 10, Township 27 N., Range 37 E. These locations are to the north and east of the Teel property and the well logs for these wells show hydraulic continuity to the Spokane River. These four other wells are located closer to the Spokane River than the proposed Teel wells by several hundred yards and would not be impaired by the proposed Teel wells.

Other water rights in the vicinity are as follows:

Surface Water Claim 134635 which appears to represent a non-diversionary, open range, stock water right from Lake Roosevelt in portions of Section 15.

Certificate S3-00961C which represents a water right with a priority date of January 10, 1964 for 1.0 cfs, 240 acre-feet for domestic use, stock watering and irrigation of 60 acres with a source of Green Canyon Creek, a tributary of the Spokane River. Because this water right pulls from the surface water creek the proposed Teel wells should not impair this water right.

Ground Water Right G3-26418C for 40 GPM, 9 acre-feet for continuous group domestic for 9 units in portions of the NE ¼ of Section 9. Given the relatively small quantity of water of this water right the proposed Teel wells should not impair this water right.

Furthermore, because the wells capture water from the Spokane River with only minor delay, the new points of withdrawal will not change the hydraulic effects on the Spokane River. Because the fundamental source of water will not change, and for the reasons stated above the board finds that the transfer will not impair other water rights. Both the original point of diversion and the new points of withdrawal are located in the same watershed (WRIA 53).

**CONCLUSIONS [See WAC 173-153-130(6)(d)]**

***Tentative determination (validity and extent of the right)***

There is a valid right associated with this Certificate. Water has historically been put to beneficial use under Surface Water Certificate S3-23652C(A) in the quantities stated in the tentative determination above. The proposed changes will not impair existing water rights.



**Relinquishment or abandonment**

The water right has been actively used followed immediately by transfer into the State Trust Water Right Program, with no known five-year gaps in use. We see no evidence of relinquishment or abandonment.

**Hydraulic Analysis**

The proposed wells are in hydraulic continuity with the Spokane River.

**Comments and Protests**

No protests were received as a result of the public notice.

**Impairment**

The change from seasonal irrigation to year-round Community Domestic use will distribute the pumping stress throughout the year, as compared to a direct surface withdrawal only during the irrigation season. Given the close coupling of the surface water and groundwater systems in this area, it is apparent that no impairment will occur to either senior existing water rights or to instream flows, as a result the proposed changes. The Teel wells will withdraw water that would have otherwise been diverted via the existing surface water right. Given the distance between Teel wells and other water users, no impairment of their water rights will occur.

**Other**

The Board also considered the previous provisions associated with the water right as identified in the background section of this report when making its decision.

**DECISION** [See WAC 173-153-130(6)(e)]

The change is consistent with the provisions of Chapters 90.03 and 90.44 RCW and WAC 173-152050(3)(a), in that this application to transfer change the water right will not impair existing rights or be detrimental to the public interest.

Based on the above investigation and conclusions, the Board recommends that the request for a division of the water right into 3 separate rights (Portions (A), (B), and (C)), changing the Place of Use to the proposed three (3) new subdivision legal descriptions, and changing the Purpose of Use to a continuous Community Domestic use, and changing the Point of Withdrawal/Diversion from a surface water right to a ground water right consisting of four (4) wells within the proposed new Places of Use, be approved in the amounts and within the limitations listed below and subject to the provisions.

**Portion (A)** - \_\_\_\_\_ gpm, 12 acre-feet per year for continuous community domestic supply.

Source	¼	¼	Section	Township	Range	WRIA	County
(A) Well #1 (12 Lot Subdivision) Ptn		NW	15	27 N	37 E	54	Lincoln
(A) Well #2 (12 Lot Subdivision) Ptn		NW	15	27 N	37 E	54	Lincoln

The authorized place of use will serve a 12 Lot subdivision, more particularly described as follows:

That portion of the East half of the Northwest Quarter together with that portion of the East 264.00 feet of the West half of the Northwest Quarter, all in Section 15, Township 27 North, Range 37 East, Willamette Meridian, Lincoln County, Washington, lying within the following description:

Commencing at the Southeast Corner of the Northwest Quarter of said Section 15, from which the Southwest Corner of said Northwest Quarter, being a 2 inch diameter iron pipe, bears South 86°55'36" West, a distance of 2711.38 feet; Thence North 1°59'33" West on the East line of said Northwest Quarter, a distance of 312.43' feet to the TRUE POINT OF BEGINNING: Thence North 70°16'24" West, a distance of 1738.33 feet to the West line of the East 264.00 feet of the West half of said Northwest Quarter; Thence North 1°43'41" West on said West line, a distance of 1686.96 feet to the North line of said Northwest Quarter; Thence North 89°14'55" East on said North line, a distance of 1607.52 feet to the Northeast Corner of said Northwest Quarter, being a United States Bureau of Reclamation Brass Cap Monument; Thence South 1°59'33" East on said east line of said Northwest Quarter a distance of 2295.40 feet to the TRUE POINT OF BEGINNING, EXCEPT any portion lying North of the Southerly Right of Way of Orchard Road, Comprising approximately 69.88 acres, more or less. Records of Lincoln County, Washington.

**Portion (B)** - \_\_\_\_\_ gpm, 12 acre-feet per year for continuous community domestic supply.

Source	¼	¼	Section	Township	Range	WRIA	County
(B) Well #3 (9 Lot Subdivision) Ptn	E½	SE	9	27 N	37 E	54	Lincoln

The authorized place of use will serve an 7 Lot subdivision, more particularly described as follows:

All of the East Half (E½) of the Southeast Quarter of Section 9, Township 27 North, Range 37 East, Wilamette Meridian, Lincoln County, Washington, Excepting that portion thereof lying and being south of County Road No. 6703 as the same is now established, Together with all rights and benefits which may belong to Grantor by virtue of the joint use Easement dated May 24, 1968, and recorded July 25, 1968, in Book 112 of Deeds, Page 898 under Auditor's File No. 316416. Records of Lincoln County, Washington.



Portion (C) - \_\_\_\_\_ gpm, 12 acre-feet per year for continuous community domestic supply.

Source	¼	¼	Section	Township	Range	WRIA	County
(C) Well #4 (7 Lot Subdivision) Ptn	E½	NE	9	27 N	37 E	54	Lincoln

The authorized place of use will serve a 9 Lot subdivision, more particularly described as follows:  
All of the East Half (E½) of the Northeast Quarter of Section 9, Township 27 North, Range 37 East, Wilamette Meridian, Lincoln County, Washington, together with all rights and benefits which may belong to Grantor by virtue of the joint use Easement dated May 24, 1968, and recorded July 25, 1968, in Book 112 of Deeds, Page 898 under Auditor’s File No. 316416. Records of Lincoln County, Washington.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

(A), (B), and (C) Portion Provisions (Note: these provisions update and fully supersede the provisions attached to the existing Superseding Certificate of Water Right No. S3-23652(A).

Meter Installation

An approved measuring device shall be installed and maintained for each of the wells constructed under this water right, in accordance with “Requirements for Measuring and Reporting Water Use,” Chapter 173-173 WAC.

Record and Report

Water use data shall be recorded weekly. The maximum rate of diversion/withdrawal and the annual total volume shall be submitted to Ecology by January 31<sup>st</sup> of each calendar year.

Water Measuring and Data Reporting

Reported water use data shall be submitted via the Internet. To set up an Internet reporting account, access <https://fortress.wa.gov/ecy/wrx/wrx/Meteringx/>. If you do not have Internet access, contact the Eastern Region Office for forms to submit your data.

Metering Rule Description and Petition Info

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation, and maintenance requirements are enclosed as a document entitled “Water Measurement Device Installation and Operation Requirements”.

Health Approval Required

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at Eastern Drinking Water Operations, 1500 West Fourth Avenue, Suite 305, Spokane, WA 99204, (509) 456-3115.

Authority to Access Project

Department of Ecology personnel, upon presentation of proper credential, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Development Schedule and Project Completion

The water right holder shall file the notice of project completion when the quantity of water required by the project has been put to full beneficial use. The superseding certificate will reflect the extent of beneficial use within the limitations of the change authorization.

Elements of the project completion inspection may include, as appropriate, the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and compliance with provisions.

You must request a Projection Completion form from the Department of Ecology. If you cannot complete your project by September 30, 2036, you must contact this office to request an extension.

The undersigned board commissioner certifies that he/she understands the board is responsible “to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination.” [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report’s conclusions.

Signed at \_\_\_\_\_, Washington  
This \_\_\_\_\_ day of \_\_\_\_\_, 2013

Rex Harder, Board Representative  
Lincoln County Water Conservancy Board



**Amended Advertisement-  
BEFORE THE LINCOLN COUNTY  
WATER CONSERVANCY BOARD  
LINCOLN COUNTY WASHINGTON**

Notice of an Application for Change of Water Right to Change/Add Purpose of Use, Change/Add Points of Diversion/Withdrawal, and Change Place of Use under Surface Water Superseeding Certificate No. S3-23652C(A) issued on February 16<sup>th</sup>, 2012.

**TAKE NOTICE:** That on August 13<sup>th</sup>, 2012, The Teel Trust of Davenport, WA filed an application number LINC-12-01 with the Lincoln County Water Conservancy Board to change/add Purpose of Use, change/add Points of Diversion/Withdrawal and Change/transfer Place of Use under Surface Water Certificate No. S3-23652C(A).

That said Surface Water Right Certificate No. S3-23652C(A), with a priority date of July 15, 1974, is authorized for the diversion of 0.55 cfs, 36 acre-feet per year for irrigation from April 1 to October 31 from one existing authorized point of diversion in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 15, T.27N, R37E.W.M. That said right authorizes water to be used for irrigation of 30.2 acres in the NW $\frac{1}{4}$  of Sec. 15, T.27N, R37E.W.M.

That the applicant, Teel Trust, proposes to **Add up to two wells as Points of Withdrawal in the NW $\frac{1}{4}$  of Section 15 and two wells in the E $\frac{1}{2}$  of E $\frac{1}{2}$  Section 9, all within Township 27 N., Range 37 E.**

That the applicant also proposes to **Change the Purpose of Use to continuous domestic supply.**

That the applicant also proposes to **Add/Change the Place of Use to NW $\frac{1}{4}$  of Section 15 and the E $\frac{1}{2}$  of E $\frac{1}{2}$  Section 9, all within Township 27 N., Range 37 E..**

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a fifty-dollar (\$50.00) recording fee and filed with the CASHIERING UNIT, P.O. BOX 47611, OLYMPIA, WA 98504-7611 within thirty-days (30) from May 2, 2013.

Any interested party may submit comments, objections, and other information to the board regarding this application. The comments and information may be submitted in writing or verbally at any public meeting of the board held to discuss or decide on the application. This application will be on the board agenda during its regular meetings to be held on the second Monday of each month. Additionally, the Lincoln County Water Conservancy Board may receive written comments or information through June 3, 2013 at 450 Logan St., PO Box 368, Davenport, WA 99122-0396.

18t1



**AFFIDAVIT OF PUBLICATION**  
**STATE OF WASHINGTON**

**COUNTY OF LINCOLN**

FRANK R. STEDMAN; being first duly sworn on oath deposes and says: That he is the Publisher, Editor and Manager of THE WILBUR REGISTER, a weekly newspaper, which has been established, published in the English language, and circulated continuously as a weekly newspaper in the Town of Wilbur, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said WILBUR REGISTER was on the 16th day of June, 1941, approved as a legal newspaper by the Superior Court of said Lincoln County, and that the annexed is a true copy of a

Notice of an Application for Change of Water Right  
as it appeared in the regular and entire issue of said newspaper itself and not in a supplement thereof for a period of two (2) weeks on the

2nd day of May, 2013, and again on the

9th day of May, 2013, and that said newspaper was regularly distributed to its subscribers during all of this period.

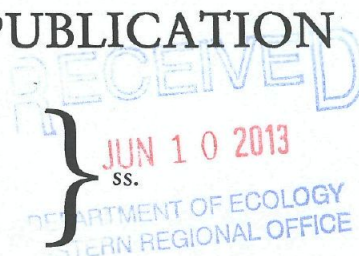
That the full amount of \$ 108.84 has been paid in full.

*Frank R. Stedman*

Subscribed and sworn to before me this

day of May, 2013.

*Lenny Mager*  
Notary Public in and for the State of Washington, residing in Wilbur.





RECEIVED

JUN 10 2013

DEPARTMENT OF ECOLOGY  
EASTERN REGIONAL OFFICE

Lincoln County Water Conservancy Board  
PO Box 368  
Davenport Washington 99122

June 10, 2013

Herman Spangle  
Washington Department of Ecology  
4601 North Monroe, Suite 202  
Spokane WA 99205-1295

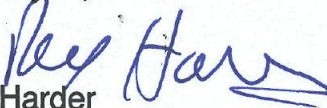
Application for Change/Transfer (LINC-12-01)

Dear Herman

I have enclosed the above referenced application.

If you have any questions please contact me.

Thank you,

  
Rex Harder  
Board Member  
phone: 509.995.5242  
email: harder@att.biz





**Carpenter,  
McGuire &  
DeWulf, P.S.**

ATTORNEYS AT LAW A PROFESSIONAL  
SERVICE CORPORATION

**KENNETH D. CARPENTER\***  
**L.R. "RUSTY" McGUIRE\***  
**MARK W. DEWULF**  
**JOHN M. KRAGT**

\*ALSO LICENSED TO PRACTICE IN IDAHO  
WEBSITE: WWW.CMD-LAWFIRM.COM

**PLEASE REPLY TO:  
ODESSA OFFICE**

9 E. 1<sup>ST</sup> AVE.  
P.O. BOX 457  
ODESSA, WA 99159  
TEL: 509-982-2672  
FAX: 509-982-2808

April 5, 2013

Lincoln County Water Conservancy Board  
P.O. Box 368  
Davenport, WA 99122  
Email: [waterboard@co.lincoln.wa.us](mailto:waterboard@co.lincoln.wa.us)

RE: Teel Change Application Number LINC-12-01  
Superseding Certificate of Water Right No. S3-23652(A)

Dear Board Members:

In regards to the above change application I provide the following explanation and supporting documentation for your consideration.

The existing water right is an agricultural irrigation water right which withdraws water from the Spokane River and authorizes 0.55 cfs, 36 acre-feet per year for the irrigation of 30.2 acres within a portion of the NW ¼ of Section 15-27-37 EWM. Teel's propose to change the water right to service three new subdivisions they are developing, each subdivision being served by a Class B water system. Teel's propose to change the source of the water from surface to ground water (4 wells) and change the purpose from seasonal irrigation to continuous community domestic and to split this water right into an (A), (B), and (C) portion between the three new subdivisions in the following manner:

- For Portion (A) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new points of withdrawal will be two wells located in a portion of NW ¼ of Section 15. The new place of use will be located within a portion of the E ½ of the NW ¼ and a portion of the W ½ of the NW ¼ of Section 15, Twn 27N, Rng 37, and will serve a 12 Lot subdivision, more particularly described as (A) within the Report of Examination.
- For Portion (B) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new point of withdrawal will be one

**OTHER OFFICE LOCATIONS:**

**DAVENPORT** •  
503 MORGAN STREET  
P.O. BOX 1187  
DAVENPORT, WA 99122  
TEL: 509-725-4100  
FAX: 509-725-4108

**RITZVILLE** •  
108 N. ADAMS STREET  
RITZVILLE, WA 99169  
TEL: 509-659-0425 or  
TEL: 509-659-1000  
FAX: 509-659-0529

**ST. JOHN** •  
E. 25 FRONT ST.  
ST. JOHN, WA 99171  
TEL: 509-648-3683  
FAX: 509-648-3405

**ROSALIA** •  
516 S. WHITMAN  
ROSALIA, WA 99170  
TEL: 509-523-5809  
FAX: 509-523-5793

**FAIRFIELD**  
101 N. RAILROAD AVE.  
FAIRFIELD, WA 99012  
TEL: 509-283-4223  
FAX: 509-283-4247



well located in the E ½ of SE ¼ of Section 9. The new place of use will be located within a portion of the E ½ of SE ¼ of Section 9 and will serve a 9 Lot subdivision, more particularly described as (B) within the Report of Examination.

- For Portion (C) of S3-23652(A), to authorize \_\_\_\_\_ gpm and 12 acre-feet per year for continuous community domestic supply. The new point of withdrawal will be one well located in the E ½ of NE ¼ of Section 9. The new place of use will be located within in the E ½ of NE ¼ of Section 9 and will serve a 7 Lot subdivision, more particularly described as (C) within the Report of Examination.

We have attached maps outlining the existing water right, and the proposed subdivision maps so you can see that the place of use is not really changing much. **See Exhibit A, Map of Existing Water Right w/copy of Superseding Certificate of Water Right No. S3-23652(A) and Exhibit B, Project Plans.** It should be noted that the water right's original place of use included all the land that is being proposed for the new place of use. We have also attached a copy of the Affidavit of Publication. **See Exhibit C.**

It should also be noted that on March 6, 2013 the original applicant, Richard & Barbara Teel Living Trust dtd March 22, 2000, transferred it's interest in the subject real property, together with Superseding Water Certificate No. S3-23652(A) to Teel Land, LLC, a Limited Liability Company, by Statutory Warranty Deed recorded under Auditor's File No. 2013-0463280. Richard and Barbara Teel were the trustees of the Trust (the prior owner of the right) and are the Managers of Teel Land, LLC (the current owner of the water right). **See Deed attached as Exhibit D.**

The particular elements of the existing water right are as follows. Superseding Certificate No. S3-23652(A) authorizes 0.55 cfs and 36 acre-feet per year for the irrigation of 30.2 acres within that part of the NW ¼ of Section 15, lying north of a straight line, beginning in the SE corner of the NW ¼ and ending at a point on the west boundary line of the NW ¼ which is 704 feet south of the NW corner of said Section 15, Township 27 N., Range 37 EWM. The Point of Diversion is a point on the Spokane River situated 2300 feet from the center of Section 15. **See Exhibit E Superseding Certificate No. S3-23652(A)**

With respect to the history of the water right (S3-23652C) the Teels originally acquired the irrigation water right in 1977 when they purchased the land that it was appurtenant to, including E½ of the E½ of Section 9 and the NW¼ of Section 15, all in Township 27 N, Range 37 E.W.M., Lincoln County WA. The original water right was for 6.4 cfs, 417 acre-feet per year for the irrigation of 350 acres. Mr. Teel grew alfalfa, grass seed, seed wheat, and seed peas. Crops such as malting barley, alfalfa seed and canola were tried. The irrigation system started with wheel lines and hand lines, but ended with pivots, small amounts of hand line and one short wheel line. The water was drawn from the Spokane River. A 50 hp pump on wheels moved up and down the bank to meet changing water levels of the backwaters of Grand Coulee Dam. That pump charged a 150 hp and a 125 hp pump in the pump house. Water then flowed through oversize PVC pipe approximately 1 ½ miles. Later, the crops were irrigated with 4 center pivots using Nelson regulator rotators



and 4ft drops for a low pressure system. Some hand line and one short wheel line were still in use.

On October 30, 2007, Richard and Barbara Teel (Teel Trust), Morris West and PPR River LLC, filed an application for change to add a purpose of use, add points of diversion/withdrawal, and change the place of use of Surface Water Certificate S3-23653. During this change application process, the Teels were forced to divide Certificate No. S3-23652 between themselves and a neighbor with the Teels receiving the (A) portion (S3-23652(A)) and the neighbor receiving the (B) portion (S3-23652(B)). The Teels (A) portion consisted of 5.3 cfs and 345.6 acre-feet for the irrigation of 290 acres. Teel, Tailgate Orchards and PPR River LLC applied to divide Teel's S3-23652(A), once again, into an (A) portion for Teel, a (C) portion for Tailgate Orchards and a (D) portion for PPR River LLC. The change was approved to effect the following:

For Teel Trust in Lincoln County S3-23652(A)

0.55 cfs, 36 acre-feet per year for agricultural irrigation from April 1 to October 31 of 30.2 acres.

For Tailgate Orchards in Okanogan County S3-23652(C)

3.0 cfs, 197.95 acre-feet per year; 1.67 cfs, 157.25 acre-feet for agricultural irrigation from April 1 to October 31 of 37 acres and 1.33 cfs, 40.70 acre-feet from March 1 to May 31 for frost control.

For PPR River LLC in Douglas County S3-23652(D)

1.75 cfs, 111.65 acre-feet per year for agricultural irrigation from April 1 to October 31 of 50 acres.

The history of the water use is laid out in more detail in the Report of Examination and Investigator's Report dated December 19, 2011. **See Exhibit F ROE and Investigator's Report dated December 19, 2011 (WRDoc Id # 4481847).**

On May 23, 2012, Teel's Superseding Certificate No. S3-23652(A) was temporarily donated to the Trust Water Program under control number CS3- \*23652(A)@1 and was extended on January 29, 2013 until February 16, 2014. **See Exhibit G, Acceptance of Temporary Donation and Extension of Acceptance of Temporary Donation.**

With respect to Annual Consumptive Quantity analysis, in the last change that was approved by the Department of Ecology it was noted in the Investigator's Report at page 6 that "the legally authorized quantity of water applied to the crops within the boundaries of the certificate was consumed with no estimation for return flow" and that the consumptive use was the full measure of the water right. In addition, at page 7 of the Investigator's Report it was noted that "the WSIG establishes a standard irrigation season of April 1 to October 31. The applicant is advised this quantity for water is not sufficient to provide a full water duty for crops at this site or provide for agricultural irrigation throughout the irrigation season." The water quantity of Certificate No. S3-23652(A) is completely consumptive and there is no return flow associated with this water right and as such no further ACQ analysis is required.



For purposes of the pending change application Teel hired WNR Group to conduct a technical assessment of the Teel properties in Sections 9 and 15, Township 27 North, Range 37 East to determine the existence of hydraulic continuity between the groundwater being withdrawn from proposed well(s) located on the Teel's property and the surface water of the Spokane River. The WNR Group report examined readily available geologic and hydrogeologic reports, a detailed review of well logs and other data in the vicinity of the subject site. WNR Group also reviewed available US Geological Survey (USGS) topographic quadrangle maps for the site and vicinity. It was determined that the ground water in the aquifer beneath the site fluctuates with the lake level. The fall of the ground water table in July and August of 2007 was almost instantaneous with a drop in the lake/river level. The technical study conducted by WNR Group concludes that the wells in the proposed place of use are in hydraulic continuity with the Spokane River. **See Exhibit H, WNR Group Report dated January 13, 2008.**

With respect to impairment, the Department of Ecology water rights tracking system shows the existence of four wells in W ½ W ½ of Section 10, Township 27 N., Range 37 E. These locations are to the north and east of the Teel property and the well logs for these wells show hydraulic continuity to the Spokane River. These four other wells are located closer to the Spokane River than the proposed Teel wells by several hundred yards and would not be impaired by the proposed Teel wells.

Other water rights in the vicinity are as follows:

- Surface Water Claim 134635 which appears to represent a non-diversionary, open range, stock water right from Lake Roosevelt in portions of Section 15.
- Certificate S3-00961C which represents a water right with a priority date of January 10, 1964 for 1.0 cfs, 240 acre-feet for domestic use, stock watering and irrigation of 60 acres with a source of Green Canyon Creek, a tributary of the Spokane River. Because this water right pulls from the surface water creek the proposed Teel wells should not impair this water right.
- Ground Water Right G3-26418C for 40 GPM, 9 acre-feet for continuous group domestic for 9 units in portions of the NE ¼ of Section 9. Given the relatively small quantity of water of this water right the proposed Teel wells should not impair this water right.

**See attached Exhibit I, Surrounding Well Logs and Water Rights.**

Because the wells capture water from the Spokane River with only minor delay, the new points of withdrawal will not change the hydraulic effects on the Spokane River. The fundamental source of water will not change as a result of this application. Both the original point of diversion and the new points of withdrawal are located in the same watershed (WRIA 53). For all of these reasons, it does not appear there is any risk of impairment.

In conclusion, it is hoped that we have provided you with the information needed to adequately consider the pending application. Should you need any further materials or

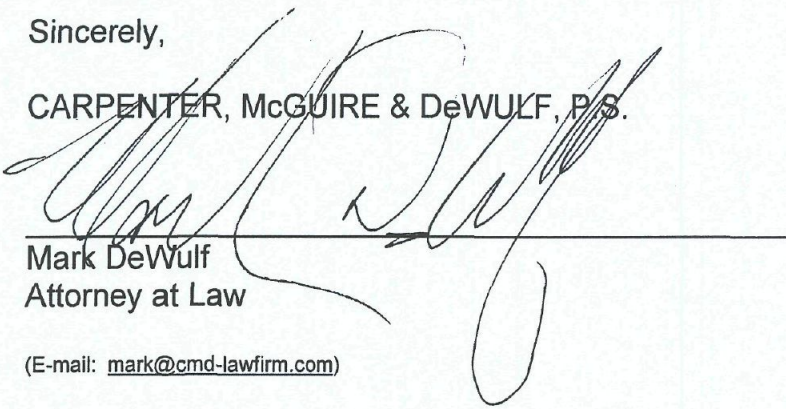


Lincoln County Water Conservancy Board  
April 5, 2013  
Page 5

information please do not hesitate to contact me.

Sincerely,

CARPENTER, McGUIRE & DeWULF, P.S.



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Mark DeWulf  
Attorney at Law

(E-mail: [mark@cmd-lawfirm.com](mailto:mark@cmd-lawfirm.com))

Enclosure

Cc: Richard and Barbara Teel





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

October 16, 2012

Mr. Paul Gross, Chairman  
Lincoln County Water Conservancy Board  
P.O. Box 368  
Davenport, Washington 99122

Dear Mr. Gross:

Re: Application for Change under Surface Water Certificate No. S3-23652(A)

In accordance with WAC 173-153-070, the Department of Ecology has received the above referenced application for change and has noted your assigned number: LINC-12-01. The Ecology WRTS number assigned to this application is: CS3-23652(A)@2.

The Board may now proceed with the processing of this application under WAC 173-153.

I can be reached at 509-329-3585 if you have any questions.

Sincerely,

Karen Tusa  
Processing Lead  
Water Resources Program

KT:ka